IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1853 OF 2007

Pravin Premswaroop Khandelwal ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.Shirish Gupte Senior Counsel with Mr.S.P. Hulyalkar and V.M.Patil Advocates for Applicant
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 28, 2007

P.C.

1. Heard the learned senior counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.206 of 2007 of Nigadi Police Station, Pune. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that one Aditi Sharma and Udit (deceased) were both studying in Pune. A love affair developed between the two of them and they were to get married. However, thereafter their relations broke off. This was

approximately 8 months prior to the incident. Thereafter, Aditi was involved with the applicant Pravin Khandelwal. It is the case of the prosecution that applicant Pravin had threatened Udit in October, 2006. Thereafter the applicant Pravin and Aditi both went to Gurgaon near Delhi. It is the prosecution case that on 22.4.2007, applicant Pravin and Aditi both came to Pune and they resided in a lodge. Aditi contacted Udit and they met at Mc'Donalds at Pune at about 9.30 p.m. there Aditi gave him some "Prasad" which Udit consumed. Thereafter, Udit came back to his room. After some time, Udit started vomiting and having loose motions, hence, he came to be admitted in the hospital in ICU. Udit was unconscious at that time. The stomach wash was taken and it was found that the contents contained the poison ''arsenic". Udit died on 24.4.2007 in the hospital. The complainant does not state that the present applicant was present at Mc'donalds when the poison was given to Udit. No witness has stated that the present applicant was present at Mc'donalds when the poison was given by Aditi to Udit. In fact, it is not the prosecution case that he was present at Mc'Donalds when Aditi gave the ''Prasad" to Udit. The case of the prosecution is that threats were

given by the applicant to his son Udit about 8 months prior to the incident and Aditi and Pravin entered into criminal conspiracy to poison Udit. It is seen that the threats were given approximately eight months prior to the incident. No witness states that the present applicant was present at Mc'donalds. The applicant has been in custody since 16.5.2007.

4. The learned APP states that prosecution wants to conduct the Narco Analysis Test of the applicant. Mr.Gupte, the learned senior counsel for the applicant states on instructions that the applicant will make himself available for Narco Analysis test as and when required by the prosecution.

5. Looking to the material on record, I am inclined to release the applicant on bail.

6. The applicant-Pravin Premswaroop Khandelwal to be released on bail in the sum of Rs.40,000/- (Rs.forty thousand only) with one or two sureties to make up the said amount in C.R.No. 206 of 2007 of Nigadi Police Station, Pune. The sureties shall be local sureties.

7. The applicant shall report to the concerned Police Station every day at 8.30 a.m. till Narco Analysis Test is conducted and thereafter once in a week till the conclusion of trial. In addition thereto, the applicant shall not leave Pune till the charge sheet is filed. The Investigating Agency is at liberty to take the applicant for Narco Analysis Test out of Pune. The applicant shall not tamper with the prosecution witnesses in any manner.

8. Application is disposed of.

[SMT. V.K.TAHILRAMANI, J.]